



Washington State Department of Agriculture ➔ Endangered Species Program Newsletter

Judge directs plaintiffs to write proposed final rule

In a Dec. 9 conference, U.S. District Court Judge John Coughenour directed Earthjustice, the law firm representing the Washington Toxics Coalition and other environmental groups, to draft a final order to provide interim measures to protect endangered salmonids from certain pesticides.

The proposed injunction is due by Dec. 15. Comments from the U.S. Environmental Protection Agency (EPA) and the agricultural industry intervenors are due by Dec. 20.

Coughenour will use the draft order and comments to write the final order which he expects to issue on or before Dec. 31.

Based on statements made during the conference, Coughenour's final ruling is likely to order the following:

- ▶ Buffer zones would not apply to any of the **54 active ingredients named in the lawsuit** that have received a "no effect" or "may affect, but not likely to adversely affect" determination from EPA.
- ▶ Any of the 54 pesticides that have not been reviewed by EPA for effects determination or those pesticides that have been determined as likely to adversely affect salmonids will be subject to buffer zones.
- ▶ Buffer zone widths would be set at 20 yards for ground applications and 100 yards for aerial applications of pesticides.
- ▶ Buffers would be measured from the "ordinary high water mark" of the salmon-bearing streams identified by **StreamNet** and would also include estuarine waters. StreamNet is maintained by the Pacific States Marine Fisheries Commission.
- ▶ Select pesticide uses would be exempt from the buffer zone requirement:
 - Pesticide use for maintaining public health such as mosquito abatement programs.
 - Pesticides included in use plans approved by National Marine Fisheries Service (NMFS). Portland (OR) Parks is an example.
 - Pesticides used by government agencies for noxious weed control. The exemption would apply only when the control program implements the safeguards routinely required by NMFS for weed control programs.
- ▶ Educational materials would be required at the point of sale to alert pesticide users in urban areas to the potential risks of using the pesticides near salmonid habitat.

For more information about the lawsuit, the court filings and orders, and the effects determination status of the 54 pesticides, visit the WSDA Endangered Species Program web page at agr.wa.gov/PestFert/EnvResources/Lawsuit.htm. ➔



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PROGRAM CONTACTS

Bridget Moran
Program Manager/
Environmental Toxicologist
(360) 902-1936
bmoran@agr.wa.gov

Deborah Bahs
Western WA ESA Specialist
(360) 902-2067
dbahs@agr.wa.gov

Perry Beale
Crops & Mapping Specialist
(360) 902-2065
pbeale@agr.wa.gov

Jim Cowles, Ph.D.
Environmental Toxicologist
(360) 902-2066
jcowles@agr.wa.gov

Ed Thompson
IT Application Specialist
(360) 902-2064
ethompson@agr.wa.gov

Ed Von Grey
Eastern WA ESA Specialist
(509) 782-2520
EVonGrey@agr.wa.gov

QUESTIONS?

For more information about the Endangered Species Program, visit our Web site at
agr.wa.gov/PestFert/EnvResources/EndangSpecies.htm

We welcome your input. Please send your comments and questions to the WSDA Endangered Species Program at
esp@agr.wa.gov

Awareness

Action

Recovery

WSDA data influences pesticide effects determinations

The Washington State Department of Agriculture (WSDA) worked closely with the state agricultural community last month to provide specific, local pesticide use data on seven chemicals to the U.S. Environmental Protection Agency (EPA). EPA used the state-specific data to refine its exposure assessments which are a part of the development of its effects determinations.

As a result, fenamiphos received a “no effect” determination in 10 of the 12 Evolutionary Significant Units (ESUs) located in Washington state and a “may affect but not likely to adversely affect” determination in the remaining 2 ESUs. The effects determination may exempt its use from court-mandated buffers.

Fenamiphos, commercially known as Nemacur®, is the only nematicide currently registered for suppressing root lesion nematodes in established red raspberry plantings. There are no viable alternatives.

EPA also released the effects determinations for captan, chlorothalonil, disulfoton, ethoprop, iprodione and phosmet. A chart providing details on the EPA effects determinations for those and other chemicals may be found on the Endangered Species Program web page at agr.wa.gov/PestFert/EnvResources/docs/54List.pdf.

Pesticides that receive “may affect” determinations require consultation with the NOAA Fisheries. The materials sent to NOAA Fisheries by EPA to request consultation are posted at epa.gov/oppfeed1/endanger/effect/1.

EPA is required to determine the effects of 54 pesticide active ingredients on salmonids and to consult, as appropriate, with NOAA Fisheries as a result of a 2002 lawsuit brought by the Washington Toxics Coalition and other environmental and fisheries groups. For additional information, see a related article on page 1. ➔

Fish facts: How many species of Pacific salmon are there?

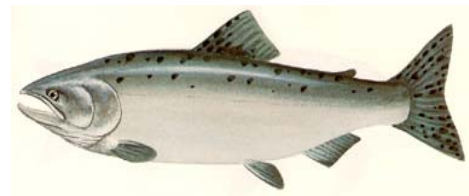
There are eight species commonly referred to as Pacific salmon.

Six of the eight species occur on both sides of the Pacific Ocean:

Chinook salmon (*Oncorhynchus tshawytscha*) - king salmon,
chum salmon (*Oncorhynchus keta*) - dog salmon,
coho salmon (*Oncorhynchus kisutch*) - silver salmon,
pink salmon (*Oncorhynchus gorbuscha*) - humpback salmon,
and
sockeye salmon (*Oncorhynchus nerka*) - red salmon.
steelhead trout (*Oncorhynchus mykiss*)

Two species of Pacific salmon occur only in Asia:

masu salmon (*Oncorhynchus masou*) - yamame, and
amago salmon (*Oncorhynchus rhodurus*) - biwamasu.



Pink salmon (Oncorhynchus gorbuscha)
Drawing courtesy of the Michigan
Department of Natural Resources

Pacific salmon is a generic term used to describe members of the genus *Oncorhynchus*. Named for their hooked (onco) nose (rhynchus), this genus of the family salmonidae (salmons and trouts) is usually anadromous and dies after spawning.). ➔

NOAA Fisheries Service Northeast Fisheries Science Center and Washington State Department of Fish and Wildlife contributed to this article.